

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

State of Arizona v. Abbott Labs., Inc., et al.,
Cause No. 1:06-CV-11069-PBS

JOINT MOTION FOR DISMISSAL OF THE BRAUN DEFENDANTS

By and through their counsel, the State of Arizona (the “State”) and defendants B. Braun Medical, Inc., B. Braun of America, Inc., and McGaw Inc. (“the Braun Defendants”), pursuant to Fed. R. Civ. P. 41(a)(2), hereby jointly move for an order of the Court dismissing the Braun Defendants from this action. In support of this motion, the parties state as follows:

1. The Braun Defendants were named as defendants in the above-referenced actions.
2. The State conferred with counsel for the Braun Defendants and agreed to dismiss its claims against the Braun Defendants in this action, with prejudice.
3. The parties agreed that each party will bear its own costs and attorneys’ fees.
4. The dismissal has no effect on the State’s claims or allegations against any party other than the Braun Defendants in these actions.

WHEREFORE, the parties jointly request that the Court enter an order dismissing, with prejudice, the Braun Defendants. A proposed order of dismissal is attached.

DATED: October 20, 2010

By /s/ Steve W. Berman
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CERTIFICATE OF SERVICE

I, Steve W. Berman, hereby certify that a true and correct copy of the above document was served on the attorney of record for each party via the Court's electronic filing system this 20th day of October, 2010.

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